

08-27-02

CPA/1600

**CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL**

Submit an original, and a duplicate for fee processing.
(Only for Continuation or Divisional Applications under 37 CFR 153(d))

| | | |
|--|---|--------------------------------|
| Address to: Assistant Commissioner for Patents Box CPA Washington, DC 20231 | Attorney Docket No. of Prior Application | 8009_7004 US |
| | First Named Inventor | Elizabeth Shanahan-Prendergast |
| | Examiner Name | M. Davis |
| | Group Art Unit | 1642 |
| | Confirmation No. | 7303 |

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AUG 29 2002

TECH CENTER 1600/2900

This is a request for ☒ continuation or ☐ divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of prior application number 09/254,623, filed on July 8, 1999, entitled THERAPEUTIC FORMULATIONS CONTAINING VENOM OR VENOM ANTISERUM EITHER ALONE OR IN COMBINATION FOR THE THERAPEUTIC PROPHYLAXIS AND THERAPY OF NEOPLASMS.

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR §1.51(b), or (2) the national stage of an international application in compliance with 35 USC §371. Effective May 29, 2000, a CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (August 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (March 20, 2000), 1233 Official Gazette Patent Office (April 11, 2000).

CIP NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR §1.53(d), but must be filed under 37 CFR §1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 USC §122 to the extent that any member of the public who is entitled under the provisions of 37 CFR §1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket.

35 USC § 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 USC 120 and to every application assigned the application number identified in such request. 37 CFR §1.78(a).

- ☐ Enter the unentered Amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application.
- ☒ A Preliminary Amendment is enclosed.

3. a. ☐ This application is filed by fewer than all the inventors named in the prior application. See 37 CFR 1.53(d)(4).
- b. ☒ This application is filed by the same inventors named in the prior application on the date this continued prosecution application under 37 C.F.R. § 1.53(d) is being filed.
- b. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:
- c. ☐ Please **ADD** the following name(s) as inventors:
- ☐ A petition under 37 CFR § 1.48 is attached.
4. ☐ A new Power of Attorney or Authorization of Agent is enclosed.
5. An Information Disclosure Statement (IDS) is enclosed:
- a. ☐ Form PTO-1449
- b. ☐ Copies of IDS Citations
6. Publication
- a. Request for Early Publication ☐ Yes ☒ No
- b. Request for Non-Publication ☐ Yes ☒ No
- c. Suggested Drawing Figure: Fig. 7
- d. Assignee information to be included on patent application publication is as follows:
7. Extension of Term
- The term for response or taking action in the prior application expires on August 26, 2002. An extension of time in the prior application is:
- a. ☒ filed concurrently herewith.
- b. ☐ has been filed on _____.
8. ☒ New Attorney Docket Number, if desired 8009 7004 US-CPA.
9. a. ☐ Receipt for Facsimile Transmittal CPA (PTO/ISB/29A).
- b. ☒ Return Receipt Postcard.

| | | | | |
|--|--------------|--------------|------------|-----------|
| Basic Filing fee (37 CFR §1.16(a)) | | | | \$ 740.00 |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | |
| Total Claims | 5 - 20 = | 0 | × \$ 18.00 | \$.00 |
| Independent Claims | 1 - 3 = | 0 | × \$ 84.00 | \$.00 |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | + \$280.00 | \$.00 |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$ 740.00 |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR §1.27. The fees indicated above are reduced by 1/2. | | | | \$ 370.00 |
| SUBTOTAL = | | | | \$ 370.00 |

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| <input checked="" type="checkbox"/> Applicant requests suspension of action under 37 CFR §1.103(b) for a period of <u>3</u> months (not to exceed 3 months) and the fee under 37 CFR §1.17(i) | \$ 130.00 |
| TOTAL FEES DUE = | \$ 500.00 |

10. Payment of Fees and Authorization to Charge Additional Fees or Credit Overpayment

- ☒ A check in the amount of \$960.00 is enclosed in payment of the fees associated with the CPA, a Suspension of Action and for a Petition for Extension of Time in the prior application.
- ☐ Charge Deposit Account 50-1446 in the amount of \$. Enclosed is a duplicate copy of this sheet.
- ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 50-1446:
- a. ☒ Fees required under 37 CFR 1.16.
 - b. ☒ Fees required under 37 CFR 1.17.
 - c. ☐ Fees required under 37 CFR 1.18.

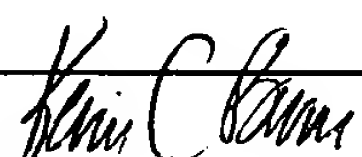
NOTE: The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

11. New Correspondence Address

- ☒ Customer Number 25191 or ☐ New correspondence address below

Name _____ Telephone _____

Address _____ Facsimile _____

| | | | | | |
|---------------|---|-----------|----------------|-----------------|-----------------|
| Submitted By: | | | | | |
| Name | Kevin C. Brown | Reg. No. | 32,402 | Customer Number | 025191 |
| | | Telephone | (315) 233-8300 | Facsimile | (315) 233-8320 |
| Signature |  | | | Date | August 26, 2002 |

EXPRESS MAIL CERTIFICATE

"Express Mail" label number EV 01907 1304 US

Date of Deposit: August 26, 2002

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, on the date indicated above and is addressed to the Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.


Janet M. Stevens